

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: February 15, 2005
Public Hearing: March 8, 2005

CONTACT PERSON/PHONE: Fred Lopez, 541-4925

DISTRICT(S) AFFECTED: 1

SUBJECT:

An Ordinance changing the zoning of a portion of Lot 1, Block 71, West Hills Unit 21, El Paso, El Paso County, Texas from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: River Oaks Properties, Ltd. ZON04-000150 (District 1)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation with conditions
City Plan Commission (CPC) – Approval Recommendation with conditions

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

February 7, 2005

TO: The Honorable Mayor and City Council
Ms. Joyce A. Wilson

FROM: Fred Lopez, Planner II / Zoning Coordinator

SUBJECT: ZON04-00150

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

The City Plan Commission (CPC), on January 27, 2005, voted **6 - 0** to recommend **APPROVAL** of this rezoning request from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) with conditions, concurring with Staff's recommendation.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **NO OPPOSITION** to this request at the CPC Hearing.

STAFF REPORT

Rezoning Case: ZON04-00150

Property Owner(s): River Oaks Properties, Ltd.

Applicant(s): River Oaks Properties, Ltd.

Representative(s): SLI Engineering, Inc.

Legal Description: A portion of Lot 1, Block 71, West Hills Unit 21

Location: Resler Drive South of High Ridge Drive

Representative District: # 1

Area: 0.524 Acres

Present Zoning: C-1/sc (Commercial/special contract)

Present Use: Vacant

Proposed Zoning: C-2/sc (Commercial/special contract)

Proposed Use: Drive-in restaurant

Recognized Neighborhood Associations Contacted: Save The Valley, Coronado Neighborhood Association, Texas Apache Nations Inc.

Surrounding Land Uses:

North -	A-O/sc (Apartment/Office/special contract), R-3A (Residential) / single-family residential
South -	C-1/sc (Commercial/special contract) / commercial
East -	R-4 (Residential) / high school
West-	C-1/sc (Commercial/special contract) / commercial

Year 2025 Designation: Commercial (Northwest Planning Area)

**CITY PLAN COMMISSION HEARING, January 27,2005,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Case: ZON04-00150

General Information:

The applicant is requesting a rezoning from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) in order to permit a drive-in restaurant. The property is 0.524 acres in size and is currently vacant. The proposed site plan shows the 1,530 sq. ft. drive-in restaurant to be located on the site. Access is proposed via Resler Drive with twenty-five (25) parking spaces provided. There are zoning conditions currently imposed on this property and are attached to this report as Enclosure 3.

Information to the Commission:

The Planning Department has received one (1) letter in opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract) with the following condition:

That landscaping be provided consistent with the attached site plan, and that any proposed modifications in the landscaping provided thereon shall require a new site plan approved as provided by the El Paso Municipal Code at the time of request.

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “provide designated locations for commercial development that do not adversely affect the health, safety and welfare of the community and where essential infrastructure is available to serve the development.”

The Year 2025 Projected General Land Use Map for the **Northwest** Planning Area designates this property for **Commercial** land uses.

C-2/sc (Commercial/special contract) zoning permits a drive-in restaurant and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the C-2/sc (Commercial/special contract) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will the drive-in restaurant be compatible with adjacent land uses?

Information To The Applicant:

Building Permits and Inspections Department Notes:

Building Permits and Inspections does not object to the proposed zoning change.

Engineering Department, Development Division Notes:

See Enclosure 1.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns with the proposed zoning change.

Fire Department Notes:

Zoning change does not adversely affect the Fire Department.

El Paso Water Utilities Notes:

See Enclosure 2.

Planning, Research & Development Department Notes:

- A. The Year 2025 Projected General Land Use Map for the Northwest Planning Area designates this property for Commercial land uses.
- B. C-2/sc (Commercial/special contract) zoning permits a drive-in restaurant and is compatible with adjacent development.

ATTACHMENT: Site Plan; Enclosure 1, Enclosure 2, Enclosure 3.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

ENGINEERING DEPARTMENT – DEVELOPMENT DIVISION COMMENTS

TO: **PLANNING DEPARTMENT**

DATE: **December 22, 2004**

FROM: **ENGINEERING DEPARTMENT**

ADDRESS: **989 N. Resler Dr.**

ATTN: **Fred Lopez, or Jorge Rousselin
Urban Planners**

PROPOSED USE: **Drive in restaurant**

CASE NO.: ZON04-00150 PROPOSED ZONE: C-2/sc

REQUEST: Rezoning from C-1/sc to C-2/sc

LEGAL DESCRIPTION: A portion of Lot 1, Blk 71, West Hills Unit 21

- ☐ 1. No comments
- ☐ 2. Must be submitted as a subdivision
- ☒ 3. Handicap accessible Sidewalks ✓, Wheel-chair ramps ✓ will be required,
- ☒ 4. Grading plan and permit required.
- ☐ 5. Storm Water Pollution Prevention details required.
- ☒ 6. Storm Water Pollution Prevention plan and permit required.
- ☒ 7. Drainage plans must be approved by the City Engineer
- ☐ 8. On site ponding will be required.
- ☐ 9. Private pond is required.
- ☐ 10. No water runoff allowed unto _____.
- ☐ 11. Additional R.O.W. required.
- ☒ 12. Additional Comments: Site location is **not** located within the Special Flood Hazard Area. Zone **C**, Panel **22 E**.

Bashar Abugalyon, P. E.
Chief Development Engineer

DISTRICT: **1**

EL PASO WATER UTILITIES - INTEROFFICE MEMORANDUM

To: Fred Lopez
Urban Planner

From: El Paso Water Utilities - Engineering

Date: December 17, 2004

Subject: **ZON04- 00150 (Rezoning Case)**
A portion of Lot 1, Block 71, West Hills Unit Twenty One (21) (the Property).
Location: Resler Drive south of High Ridge Drive.(989 North Resler Drive).

Present: C-1/sc (Commercial/special contract); vacant

Proposed: C-2/sc (Commercial/special contract); drive-in restaurant

We have reviewed the zoning change request described above and provide the following comments:

Water

Along Resler Drive fronting the subject Property there is an existing twenty-four (24) inch diameter water transmission main. No service connections are allowed to this main.

Within the subject property there is an existing eight (8) inch diameter water main. This main is located within an easement.

Sanitary Sewer

Along Resler Drive fronting the subject Property there is an existing twelve (12) inch diameter sanitary sewer main.

Within the subject property there is an existing eight (8) inch diameter sanitary sewer main. This main is located within an easement.

General

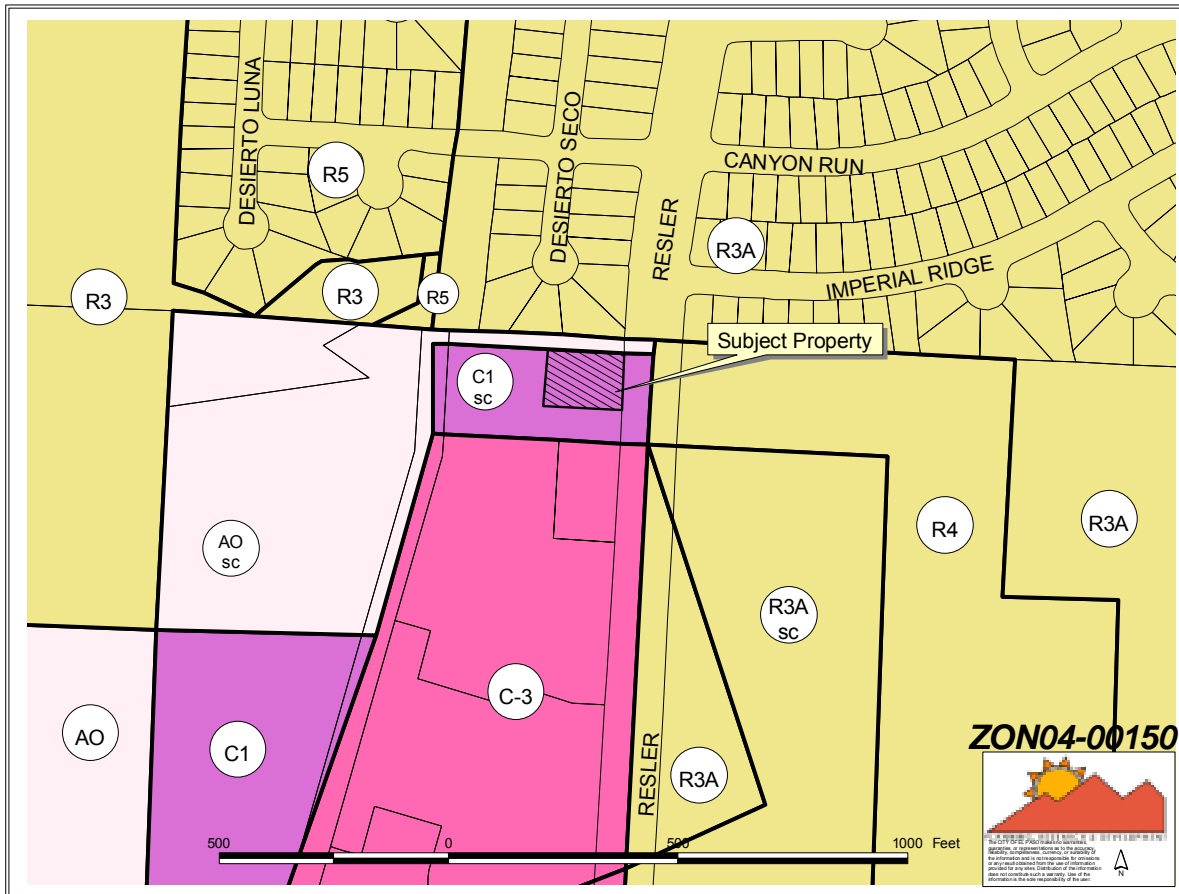
The El Paso Water Utilities will assist with the location of water and sanitary sewer mains in the field. As of May 01, 2000 the El Paso Water Utilities ceased receiving telephone requests to field locate our water and sanitary sewer mains. Please call the TEXAS EXCAVATION SAFETY SYSTEM (DIG TESS) at 1-800-344-8377. EPWU Dispatcher's Office 594-5775 (24-hours-a-day).

In the event that the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Application for water and sanitary sewer services should be made 6-8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. The certificate-of-compliance can be obtained on the 2nd floor at City Hall.

EPWU does not object to this request.

GENERAL LOCATION MAP



AERIAL MAP



DETAILED SITE DEVELOPMENT PLAN



ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 71, WEST HILLS UNIT 21, EL PASO, EL PASO COUNTY, TEXAS FROM C-1/SC (COMMERCIAL/SPECIAL CONTRACT) TO C-2/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *a portion of Lot 1, Block 71, West Hills Unit 21, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

That the property be subject to the following condition which is necessitated by and attributable to the increased intensity of use generated by the change of zoning **from C-1/sc (Commercial/special contract) to C-2/sc (Commercial/special contract)**, in order to protect the health, safety and welfare of adjacent property owners and the residents of this City:

That landscaping be provided consistent with the attached site plan, and that any proposed modifications in the landscaping provided thereon shall require a new site plan approved as provided by the El Paso Municipal Code at the time of request.

This condition runs with the land, is a charge and servitude thereon, and binds the current property owner and any successors in title. The City may enforce this condition by injunction or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above condition in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this ____ day of _____, 2005.

THE CITY OF EL PASO

Joe Wardy, Mayor

ATTEST:

Richarda Duffy Momsen, City Clerk

APPROVED AS TO CONTENT:

Fred Lopez, Zoning Coordinator
Planning, Research & Development

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:

Matt Watson, Assistant City Attorney
MW: 8827/planning/1/ord

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this _____ day of _____, 2005,
by JOE WARDY as MAYOR of THE CITY OF EL PASO.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

Property Description: A portion of Lot 1, Block 71, West Hills Unit Twenty One, El Paso, El Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Lot 1, Block 71, West Hills Unit Twenty One, El Paso, El Paso County, Texas and is more particularly described by metes and bounds as follows:

Commencing at an existing city monument lying on the centerline intersection of Resler Drive (130-foot right-of-way) and Imperial Ridge Drive (60-foot right-of-way); Thence, along said centerline of Resler Drive, 115.03 feet along the arc of a curve to the left, having a radius of 2476.97 feet, a central angle of $2^{\circ} 39' 39''$ and a chord which bears South $01^{\circ} 09' 58''$ West, a distance of 115.02 feet; Thence, South $00^{\circ} 09' 52''$ East, continuing on said centerline, a distance of 49.67 feet; Thence, North $89^{\circ} 58' 57''$ West, a distance of 65.00 feet to a point lying on the westerly right-of-way line of Resler Drive, said point being a found $5/8''$ iron pin with plastic cap stamped "KACO", also being the TRUE POINT OF BEGINNING of this description;

THENCE, South $00^{\circ} 09' 52''$ East, along said right-of-way line, a distance of 124.83 feet to a set $5/8''$ iron with SLI cap;

THENCE, South $89^{\circ} 50' 08''$ West, a distance of 182.50 feet to a set $5/8''$ iron with SLI cap;

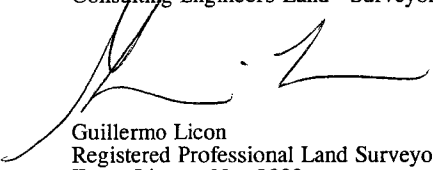
THENCE, North $00^{\circ} 09' 52''$ West, a distance of 125.41 feet to a point lying on the common boundary line between Lot 1, Block 71, West Hills Unit Twenty One and Tract 1P1, H.G. Foster Survey No. 256, said point being a found nail with shiner;

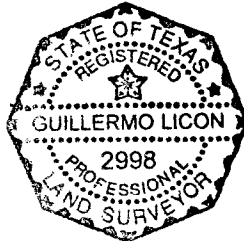
THENCE, South $89^{\circ} 58' 57''$ East, along said boundary line, a distance of 182.50 feet to the TRUE POINT OF BEGINNING of this description.

Said parcel of land contains 0.524 acres (22,834 sq. ft.) of land more or less.

A PLAT OF SURVEY OF EVEN DATE ACCOMPANIES THIS METES AND BOUNDS DESCRIPTION.

SLI ENGINEERING, INC.
Consulting Engineers-Land Surveyors


Guillermo Licon
Registered Professional Land Surveyor
Texas License No. 2998



November 19, 2004

Job Number 06-04-2234